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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,894	06/24/2003	Bernard Gilder	00216-628001 / 4257-A	2199

26161 7590 04/13/2004

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225 FRANKLIN ST
BOSTON, MA 02110

EXAMINER

PRONE, JASON D

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/602,894	Applicant(s) GILDER ET AL.	
	Examiner Jason Prone	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 21-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>24 June 2003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The disclosure is objected to because of the following informalities: Desig. ID "AE" is shown as 5,689,886 11/25/1997 Ernest Ortiz et al. While the patent number corresponds with the date, the inventor for this patent is Shih-yuan Yeh not Ernest Ortiz et al. It is unclear which patent belongs on this list. Therefore, item "AE" will not be considered.

Appropriate correction is required.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: On page 12 line 11, item "27". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 22 is objected to because of the following informalities: Claim 22 should be dependent from claim 21 not claim 1. The examiner realizes that this is a typo and will consider claim 22 dependent from claim 21. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 21-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. In regards to line 4 of claims 21 and 25, the term "cap" is unclear. It is uncertain from the Figures which item is the "cap". For example, on page 9 lines 24-26 of the specification, the term "strip 14" is also called the "guard strip", therefore, the term "guard", in claims 21 and 25, is understood.

7. In regards to line 5 of claims 21 and 25, the phrase "cap is disposed aft of the razor blades" is unclear and needs to be re-written for clarity.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 21, 22, 24-26, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 336 355.

EP 336 355 discloses the same invention including a frame (12) supporting at least four razor blades (16, 16a, 18, and 18a), that each razor blade includes a cutting edge that extends along a length of the razor blade (20, 20a, 22, and 22a), a guard, including a contact surface, attached to the frame and is disposed forward of the blades (28), a cap, including a contact surface, attached to the frame and is disposed after the blades (32), that the at least four razor blades are arranged so that the cutting edge is

adjacent a plane extending between the contact surfaces of the guard and cap (Fig. 3), that the at least four razor blades are positioned relative to the plane such that the cutting edge of each razor blade is contiguous with the plane (Fig. 3), that the inter-blade spacing among the at least four razor blades is non-uniform (Fig. 3), a handle (10), and head (24).

10. Claims 21-23 and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 2117304.

GB 2117304 discloses the same invention including a frame (7) supporting at least four razor blades (1), that each razor blade includes a cutting edge that extends along a length of the razor blade (11), a guard, including a contact surface, attached to the frame and is disposed forward of the blades (6), a cap, including a contact surface, attached to the frame and is disposed after the blades (8), that the at least four razor blades are arranged so that the cutting edge is adjacent a plane extending between the contact surfaces of the guard and cap (Fig. 1), that the at least four razor blades are positioned relative to the plane such that the cutting edge of each razor blade is contiguous with the plane (Fig. 1), that the inter-blade spacing among the at least four razor blades is uniform (Fig. 1), a handle (3), and head (9).

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JP
April 1, 2004



Allan N. Shoap
Supervisory Patent Examiner
Group 3700